

REMARKS

Reconsideration of this application, as amended, is respectfully requested. The Applicants wish to draw the Examiner's attention to the applicants' related co-pending applications and issued patents (see Appendix A) directed to nanoparticles and methods of preparation and use thereof. Office actions have already issued in many of the listed cases.

The Applicants note that the Examiner did not return the executed PTO 1449 form for the 6th Supp. Information Disclosure Statement (IDS) that was hand-delivered to the Examiner on September 9, 2002. Subsequent to the issuance of this Office action, the Applicants had filed a 7th Supp. IDS. Attached copies of PTO stamped post-cards show that the Patent Office did receive both IDSs, PTO-1449 forms and cited references. The Applicants request that the Examiner fully execute the PTO 1449 forms for the 6th and 7th Supp. IDSs and return a copy of the executed PTO 1449 forms to the undersigned representative. Copies of the 6th and 7th Supplemental IDSs and associated PTO 1449 forms are attached. The Examiner is requested to contact the undersigned representative if the Examiner would like to have another copy of the references.

The specification has been amended to update the priority claim. No new matter has been added to the application as a result of this amendment.

Claims 599-627 were pending in this application. Claims 604, 605, 607, and 613-626 were amended to correct for various informalities and to further clarify the invention. New claims 627-648 were added to further clarify the invention. The claim amendments and new claims are fully supported by the specification and cancelled claims, and thus do not constitute new matter. The amendment to claims 607 and 613, for instance, is supported by the specification at page 120, line 26 to page 121, line 30. The new claims are supported, for example, by claims the original claims and specification on page 21, line 3 to page 22, line 22; page 77, line 1 to page 80, line 27; and page 90, line 8 to page 93, line 24. Thus, the new claims do not constitute new matter. Claims 599-648 are now pending in this application.

Turning to the office action, claims 599-602, 614, 615, and 617 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 of U.S. Patent No. 6,361,944. The Applicants hereby attached a Terminal Disclaimer to obviate this rejection. Applicants respectfully submit that withdrawal of the rejection is in order and is respectfully requested. Claims 607-626 also stand rejected under 35 U.S.C. section 112, second paragraph, for alleged indefiniteness. In view of the Applicant's claim amendment, the rejection is moot.

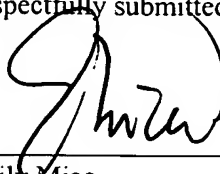
In light of the above amendment and Terminal Disclaimer, the Applicants respectfully submit that the claims in this application are in allowable condition and request a Notice to this effect.

Reconsideration of this application is respectfully requested and a favorable determination is earnestly solicited. The Examiner is invited to contact the undersigned representative if the Examiner believes that this would be helpful in expediting the prosecution of this application.

Dated: _____

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Respectfully submitted,



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